

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled BUTYRYLCHOLINESTERASE VARIANTS THAT ALTER THE ACTIVITY OF CHEMOTHERAPEUTIC AGENTS the specification of which

_____ is attached hereto as Attorney Client-Matter No. _____).

X was filed on December 4, 2003
as Application Serial No. 10/728,723
(Attorney Client-Matter No. 66797-395)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to

Inventors: Watkins and Pancook
Serial No.: 10/728,723
Filed: December 24, 2003
Page 3

Full name of second
inventor: James D. Pancook

Inventor's signature:

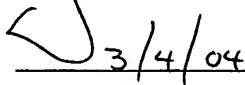
Date:

Residence:

Citizenship:

Mailing Address:





San Diego, California

United States

12495 Caminito Briosio
San Diego, California, 92131

Inventors: Watkins and Pancook
Serial No.: 10/728,723
Filed: December 24, 2003
Page 2

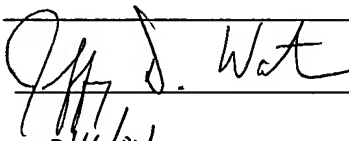
disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
10/310,666	December 4, 2002	Abandoned

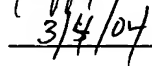
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jeffry D. Watkins

Inventor's signature:



Date:



Residence:

Encinitas, California

Citizenship:

United States

Mailing Address:

3442 Fortuna Ranch Road
Encinitas, California, 92024



POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee APPLIED MOLECULAR EVOLUTION, INC. is the owner of the entire right, title and interest of U.S. Patent Application

Serial No. 10/728,723, filed on December 4, 2003, as attorney docket number 66797-395, and entitled **BUTYRYLCHOLINESTERASE VARIANTS THAT ALTER THE ACTIVITY OF CHEMOTHERAPEUTIC AGENTS**,

and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; ANDREA L. GASHLER, Registration No. 41,029; DEBORAH L. CADENA, Registration No. 44,048; ASTRID R. SPAIN, Registration No. 47,956; and PAMELA M. GUY, Registration No. 51,228.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL
McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive, Suite 700
San Diego, California 92122

The undersigned is authorized to sign on behalf of the Assignee.

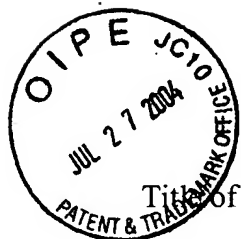
Signature: William L. Respass

Name (typed): William L. Respass, Ph.D., J.D.

Title: Vice President and General Counsel

Assignee: APPLIED MOLECULAR EVOLUTION, INC.
3520 Dunhill Street
San Diego, California 92121

Date: March 4, 2004



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application:

BUTYRYLCHOLINESTERASE VARIANTS THAT
ALTER THE ACTIVITY OF CHEMOTHERAPEUTIC
AGENTS

Application Ser. No.:

10/728,723

Filed:

December 4, 2003

Inventor(s):

Watkins and Pancook

Attorney Client-Matter No.:

66797-395

APPLIED MOLECULAR EVOLUTION, INC., a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: March 4, 2004

Signature:

William L. Respess

Name:

William L. Respess, Ph.D., J.D.

Title:

Vice President and General Counsel

ASSIGNMENT

This Assignment is made by Jeffrey D. Watkins of Encinitas, California, and James D. Pancook of San Diego, California, Assignors, to Applied Molecular Evolution, Inc., Assignee, having a place of business at 3520 Dunhill Street, San Diego, California 92121.

WHEREAS, Assignors have invented a new and useful BUTYRYLCHOLINESTERASE VARIANTS THAT ALTER THE ACTIVITY OF CHEMOTHERAPEUTIC AGENTS for which an application for United States Letters Patent was filed on December 4, 2003, in the United States Patent and Trademark Office, bearing Serial No. 10/728,723 and identified as Attorney Client-Matter No: 66797-395;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the

Inventors: Watkins and Pancook
Serial No. 10/728,723
Filed: December 4, 2003
Page 2

execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventors: Watkins and Pancook
Serial No. 10/728,723
Filed: December 4, 2003
Page 3

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s)
provided below.

Assignor:

Jeffry D. Watkins

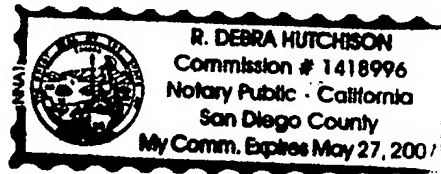
Jeffry D. Watkins
Signature
Date

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

On March 4, 2004, before me, R. Debra Hutchison
personally appeared Jeffry D. Watkins, ☒ personally known to me - OR - ☐ proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized capacity(ies);
and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

R. Debra Hutchison
(Signature of Notary)



Inventors: Watkins and Pancook
Serial No. 10/728,723
Filed: December 4, 2003
Page 4

Assignor:

James D. Pancook

J. D. Pancook
Signature
Date

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

On March 4, 2004, before me, R. Debra Hutchison
personally appeared James D. Pancook, ☒ personally known to me - OR - ☐ proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized capacity(ies),
and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

R. Debra Hutchison
(Signature of Notary)

